

### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1, 2, 5, 9, 17, 29, 32, 33, 36 and 40 are pending in the application.

Claims 1, 2, 5, 9, 17, 29, 32, 33, 36 and 40 have been rejected.

Claims 1 and 32 have been amended.

Applicants respectfully assert that the amendments to the claims add no new matter.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 1, 2, 5 and 29 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. (US 2003/0159861) in view of Andes (US 6,443,252). Applicants respectfully traverse the rejection of claims 1, 2, 5 and 29 under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

Hopper et al. disclose a wheeled carriage for supporting a patient in a substantially horizontal position. The wheeled carriage includes a patient support and a wheeled base supported by casters wheels. Auxiliary wheels are suspendably mounted on a wheel support structure with the axis of the auxiliary wheels spaced from a midpoint of the wheeled base. A

control apparatus controls the wheel support structure to move the auxiliary wheels between a first deployed position where the castered wheels at one end of the carriage are elevated from a floor surface, and a second stored position with the auxiliary wheels out of engagement with the floor surface. The wheeled carriage includes a drive motor for powering the auxiliary wheels. A drive member applies force to a load cell on the wheeled carriage. The load cell outputs a drive signal to drive the auxiliary wheels. An auxiliary wheel drive and control system accelerates or decelerates the carriage by comparing the drive signal with a threshold value that changes dependent on the velocity of the carriage.

Andes describes a wheel chair with a wheeled support for transporting a standing rider in addition to a rider sitting in the wheelchair. The wheeled support preferably includes a horizontal pivot attachment at a proximal edge, such that the wheeled support may be positioned in a horizontally disposed position, or in upwardly pivoted storage position. The distal end includes two casters. The pivot attachment also allows the wheeled support to pivot and change a vertical angle relative to the wheelchair when the casters encounter bumps or changes in elevation.

The combination of Hopper et al. and Andes does not teach or suggest all the limitations of claim 1 (independent), nor does it teach or suggest all the limitations of dependent claims 2, 5 and 29. Hopper et al. does not teach or suggest "a wheeled support connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform" as described in amended independent claim 1. Andes is also silent as to "a wheeled support connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform" and therefore cannot cure the deficiencies of Hopper et al. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Hopper et al. or Andes, alone or in combination, do not teach or suggest all the elements of independent claim 1 as amended, the Examiner fails to establish a prima facie showing that Hopper et al. or Andes, alone or in combination, teach or suggest every feature of amended claim 1.

APPLICANT(S): ZIMBALISTA, Dov  
SERIAL NO.: 10/577,837  
FILED: June 5, 2007  
Page 7

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 2, 5 and 29 depend from, directly or indirectly, claim 1, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 2, 5 and 29 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 2, 5 and 29 dependent thereon.

In the Office Action, the Examiner rejected claims 9 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view Andes, further in view of Heimbrock et al. (US 5,987,671). Applicants respectfully traverse the rejection of claims 9 and 17 under 35 U.S.C. § 103(a).

Hopper et al. and Andes were discussed above. Heimbrock et al. disclose a patient support apparatus for transporting a patient along a floor. The apparatus includes a frame, a plurality of casters coupled to the frame, a wheel supported relative to the frame and engaging the floor, and a drive assembly that operates to drive the wheel to propel the patient support apparatus along the floor.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The combination of Hopper et al., Andes and Heimbrock et al. does not teach or suggest all the limitations of amended claim 1(independent), nor does it teach or suggest all the limitations of dependent claims 9 and 17. Hopper et al. and Andes have been discussed above. That discussion is applicable here. Heimbrock et al. is also silent as to a device with "a wheeled support connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform" and therefore cannot cure the deficiencies of Hopper et al. and of Andes. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since the Examiner does not suggest that Hopper et al., Andes or Heimbrock et al., alone or in combination, teach or suggest all the

APPLICANT(S): ZIMBALISTA, Dov  
SERIAL NO.: 10/577,837  
FILED: June 5, 2007  
Page 8

elements of independent claim 1, the Examiner fails to establish a prima facie showing that Hopper et al., Andes or Heimbrock et al., alone or in combination, teach or suggest every feature of amended claim 1.

Accordingly, Applicants respectfully assert that amended independent claim 1 is allowable. Claims 9 and 17 depend from, directly or indirectly, claim 1, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 9 and 17 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 1 and to claims 9 and 17 dependent thereon.

In the Office Action, the Examiner rejected claims 32, 33, 36, and 40 under 35 U.S.C. § 103(a), as being unpatentable over Hopper et al. in view of Andes, further in view of Strong (US 2002/0175018). Applicants respectfully traverse the rejection of claims 32, 33, 36, and 40 under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

Hopper et al. and Andes were discussed above. Strong discloses a dolly wheel steering system.

The combination of Hopper et al., Andes and Strong does not teach or suggest all the limitations of amended claim 32 (independent), nor does it teach or suggest all the limitations of dependent claims 33, 36, and 40. Hopper et al. and Andes have been discussed above. That discussion is applicable here. Strong is also silent as to a device with "a wheeled support connected to the platform for supporting a user during operation of the platform, the connection enabling the wheeled support to swing laterally with respect to the platform" and therefore cannot cure the deficiencies of Hopper et al. and Andes. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since the Examiner does not suggest that Hopper et al., Andes or Strong, alone or in combination, teach or suggest all the elements of

APPLICANT(S): ZIMBALISTA, Dov  
SERIAL NO.: 10/577,837  
FILED: June 5, 2007  
Page 9

amended independent claim 32, the Examiner fails to establish a prima facie showing that Hopper et al., Andes or Strong, alone or in combination, teach or suggest every feature of claim 1.

Accordingly, Applicants respectfully assert that amended independent claim 32 is allowable. Claims 33, 36, and 40 depend from, directly or indirectly, claim 32, and therefore include all the limitations of that claim. Therefore, Applicants respectfully assert that claims 33, 36, and 40 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 32 and to claims 33, 36, and 40 dependent thereon.

### **Conclusion**

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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Dated: May 25, 2011

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